IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.379/2005

Mahesh Kumar Agarwal S/o late Shri Chaturbhuj Agarwal
...defendant-appellant
Versus
Smt. Uma Sharma W/o late Shri Satish Kishore Sharma & Others
...plaintiff-respondents

Date of Order ::: 19.12.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri M.M. Ranjan, Counsel for defendant-appellant
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By the Court:-

Heard learned counsel for the defendant-appellant.

The plaintiff-respondents filed a suit for eviction in respect of rented property, which has been decreed by the lower court on the ground of non-user of the rented property by the defendant-appellant. The judgment and decree passed by the lower court has been affirmed by the first appellate court also.

I have heard the learned counsel for the defendant-appellant and after considering his submissions in the light of the findings of both the courts below, I find that the controversial issues involved in the present case relate to question of fact and there is concurrent finding of fact by both

the courts below, which cannot be interfered with by this court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is dismissed in limine.

(Narendra Kumar Jain) J.

//Jaiman//